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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/470,735      | 06/06/1995  | RON S. ISRAELI       | 41426-D/JPW/        | 7764             |

7590 06/27/2005

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NEW YORK, NY 10036

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| EXAMINER |
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GUCKER, STEPHEN

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1647

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                        |                     |  |
|---|------------------------|---------------------|--|
| <b>Response to Rule 312 Communication</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|   | 08/470,735             | ISRAELI ET AL.      |  |
|   | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|   | Stephen Gucker         | 1647                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☒ The amendment filed on 16 June 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

  
**BRENDA BRUMBACK**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 1600

# Notice of Allowability

Application No.

08/470,735

Examiner

Stephen Gucker

Applicant(s)

ISRAELI ET AL.

Art Unit

1647

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/16/04.
2. ☒ The allowed claim(s) is/are 128-138, 141-144 and 161, renumbered as 1-16, respectively.
3. ☒ The drawings filed on 6/6/95 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6/2/05, 7/30/04, 6/16/04, 3/15/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 6/2/05
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

10/22/02 (last page)

*Brenda Brumback*  
**BRENDA BRUMBACK**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the 37 CFR 1.312 amendment filed 6/16/04 has been entered and the newly added limitation of "monoclonal" modifying the term "antibody" is allowable over the prior art of record because although the Carter et al. and Slusher et al. references may disclose polyclonal antisera that could potentially cross-react with the PSMA of the instant invention, there is no suggestion or motivation provided by these references to make a monoclonal antibody that would react with the antigens disclosed in these prior art references because the polyclonal sera used in these prior art references was sufficient to discover the tissue distribution of the antigen studied in the prior art references. Indeed, polyclonal antisera is often preferred to study the tissue distribution of an antigen because polyclonal antisera is made up of many different antibodies which react with many different epitopes of the target antigen, and therefore can better detect the presence of the target antigen in immunohistochemical screenings because multiple epitopes are less likely to be "hidden" from polyclonal antisera by post-translational processing of the target antigen than a single epitope would be from a monoclonal antibody. Furthermore, the post-filing art of Halsted et al. discloses that a monoclonal antibody raised against a pig antigen (folypoly- $\gamma$ -glutamate carboxypeptidase) related to PSMA did not cross-react with human PSMA transfectant membranes (Halsted et al., page 20421).

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technical Center 1600 general number which is (571) 272-1600.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is (571) 272-0883. The examiner can normally be reached on Monday to Friday from 0930 to 1800. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached at (571) 272-0961. The fax phone number for this Group is currently (571)-273-8300.



Stephen Gucker

June 23, 2005



**BRENDA BRUMBACK**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600